

Decision 06-10-013 October 5, 2006

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Proposed Policies and Programs
Governing Post-2003 Low-Income Assistance
Programs.

Rulemaking 04-01-006
(Filed January 8, 2004)

**OPINION GRANTING INTERVENOR COMPENSATION
TO DISABILITY RIGHTS ADVOCATES, GREENLINING INSTITUTE,
LATINO ISSUES FORUM, AND THE UTILITY REFORM NETWORK
FOR SUBSTANTIAL CONTRIBUTIONS
TO DECISION 05-10-044 and RESOLUTION G-3384**

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**OPINION GRANTING INTERVENOR COMPENSATION
TO DISABILITY RIGHTS ADVOCATES, GREENLINING INSTITUTE,
LATINO ISSUES FORUM, AND THE UTILITY REFORM NETWORK
FOR SUBSTANTIAL CONTRIBUTIONS
TO DECISION 05-10-044 and RESOLUTION G-3384**

This decision awards compensation to Disability Rights Advocates (Advocates), Greenlining Institute (Greenlining), Latino Issues Forum (LIF), and The Utility Reform Network (TURN) for their substantial contributions to Decision (D.) 05-10-044. TURN is also awarded compensation for its substantial contribution to Resolution G-3384. Advocates is awarded compensation for its substantial contribution toward the implementation of D.05-10-044. The amounts requested and awarded are detailed below.

<u>Intervenor</u>	<u>Request</u>	<u>Award</u>
Advocates	\$46,375.08	\$43,382.58
Greenlining	\$44,407.50	\$43,882.50
LIF	\$23,444.62	\$20,690.87
TURN	\$27,005.24	\$27,005.24

Today's awards will be paid by Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), Southern California Edison Company (SCE), and Southern California Gas Company (SoCalGas).

I. Background

In the fall of 2005, the Commission became concerned about anticipated exceptionally high gas prices for the winter, with utility bills anticipated to be as much as 70% higher than bills in the proceeding year. While these cost increases create a burden for all customers, the Commission was especially concerned about the potential impacts on low-income residential customers. The Commission held a full panel hearing on October 6, 2005, in Los Angeles, to

more closely study the impacts of high gas prices, and to solicit proposals to provide low-income customers with greater bill protection during the 2005-2006 winter heating season. Most of those proposals related to aspects of existing programs: the California Alternative Rates for Energy (CARE), which provides discounted rates for qualifying low-income energy customers; and the Low-Income Energy Efficiency Program, which provides modernization and appliance replacement services for qualifying low-income customers. In D.05-10-044, the Commission increased the number of customers eligible to participate in the CARE program and the Low-Income Energy Efficiency Program. The Commission also adopted modifications to both programs that would streamline the application and approval process with the goal of increasing participation beyond current levels. The utilities were directed to expand and improve their levelized payment plans. During the 2005-2006 winter heating season, utilities were prohibited from shutting off service to residential customers that made partial payments of at least 50% of their bills. Finally, utilities were directed to take various steps to increase and improve outreach efforts related to high winter bills, CARE, Medical Baseline, and the Low-Income Energy Efficiency Program.

II. Requirements for Awards of Compensation

The intervenor compensation program, enacted in Pub. Util. Code §§ 1801-1812, requires California jurisdictional utilities to pay the reasonable costs of an intervenor's participation if the intervenor makes a substantial contribution to the Commission's proceedings. The statute provides that the utility may adjust its rates to collect the amount awarded from its ratepayers. (Subsequent statutory references are to the Public Utilities Code unless otherwise indicated.)

All of the following procedures and criteria must be satisfied for an intervenor to obtain a compensation award:

1. The intervenor must satisfy certain procedural requirements including the filing of a sufficient notice of intent (NOI) to claim compensation within 30 days of the prehearing conference (PHC), or in special circumstances at other appropriate times that we specify. (§ 1804(a).)
2. The intervenor must be a customer or a participant representing consumers, customers, or subscribers of a utility subject to our jurisdiction. (§ 1802(b).)
3. The intervenor should file and serve a request for a compensation award within 60 days of our final order or decision in a hearing or proceeding. (§ 1804(c).)
4. The intervenor must demonstrate “significant financial hardship.” (§§ 1802(g), 1804(b)(1).)
5. The intervenor’s presentation must have made a “substantial contribution” to the proceeding, through the adoption, in whole or in part, of the intervenor’s contention or recommendations by a Commission order or decision. (§§ 1802(i), 1803(a).)
6. The claimed fees and costs are reasonable (§ 1801), necessary for and related to the substantial contribution (D.98-04-059), comparable to the market rates paid to others with comparable training and experience (§ 1806), and productive (D.98-04-059).

For discussion here, the procedural issues in Items 1-4 above are combined, followed by separate discussions on Items 5-6.

III. Procedural Issues

LIF filed its NOI on February 13, 2004. In her April 5, 2004 ruling, Administrative Law Judge (ALJ) Thomas determined that LIF had timely filed its NOI. In its NOI, LIF chose to demonstrate financial hardship in its request for compensation.

Advocates filed its NOI on October 7, 2005, Greenlining on October 27, 2005, TURN on November 7, 2005. In his December 28, 2005 ruling, ALJ Weissman determined that while there was no PHC, the three intervenors had timely filed their NOIs. In their NOIs, Advocates, Greenlining, and TURN asserted financial hardship.

Section 1802(b)(1) defines a “customer” as: (A) a participant representing consumers, customers or subscribers of a utility; (B) a representative who has been authorized by a customer; or (C) a representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential or small business customers. In this case, Advocates, Greenlining, LIF, and TURN qualify as customers as defined in subdivision (C).

LIF made a showing of financial hardship in its request for compensation. Based on a review of this showing, we find that LIF meets the significant financial hardship condition, pursuant to § 1802(g).¹

On December 28, 2005, ALJ Weissman ruled that Advocates meets the financial hardship condition pursuant to § 1802(g). In the same ruling, ALJ Weissman ruled that Greenlining has met the financial hardship condition through a rebuttable presumption of eligibility pursuant to § 1804(b)(1), because Greenlining met this requirement in another proceeding within one year of the commencement of this proceeding (ALJ Ruling dated April 8, 2005, in Application 04-12-014). ALJ Weissman ruled that TURN has met the financial hardship condition through a rebuttable presumption of eligibility pursuant to § 1804(b)(1), because TURN met this requirement in another proceeding within

¹ The same determination was reached in D.06-04-021.

one year of the commencement of this proceeding (ALJ Ruling dated November 4, 2005, in Rulemaking 04-04-003).

LIF filed its request for compensation on January 4, 2006, within 60 days of D.05-10-044 being issued. Advocates filed its request for compensation on January 5, 2006. Greenlining and TURN filed separate requests for compensation on January 6, 2006. Advocates supplemented its request on March 21, 2006. SCE filed a response opposing the supplemental request on April 20, 2006. Advocates filed a response to SCE's opposition on May 4, 2006. In view of the above, we find that Advocates, Greenlining, LIF, and TURN have satisfied all the procedural requirements to make their requests for compensation.

IV. Substantial Contribution

In evaluating whether a customer made a substantial contribution to a proceeding, we look at several things. First, did the ALJ or Commission adopt one or more of the factual or legal contentions, or specific policy or procedural recommendations put forward by the customer? (See § 1802(i).) Second, if the customer's contentions or recommendations paralleled those of another party, did the customer's participation materially supplement, complement, or contribute to the presentation of the other party or to the development of a fuller record that assisted the Commission in making its decision? (See §§ 1801.3(f) and 1802.5.) As described in § 1802(i), the assessment of whether the customer made a substantial contribution requires the exercise of judgment.

In assessing whether the customer meets this standard, the Commission typically reviews the record, composed in part of pleadings of the customer and, in litigated matters, the hearing transcripts, and compares it to the findings, conclusions, and orders

in the decision to which the customer asserts it contributed. It is then a matter of judgment as to whether the customer's presentation substantially assisted the Commission.²

Should the Commission not adopt any of the customer's recommendations, compensation may be awarded if, in the judgment of the Commission, the customer's participation substantially contributed to the decision or order. For example, if a customer provided a unique perspective that enriched the Commission's deliberations and the record, the Commission could find that the customer made a substantial contribution. With this guidance in mind, we turn to the claimed contributions of Advocates, Greenlining, LIF, and TURN made to the proceeding.

Greenlining, LIF, and TURN alleged they were very active including participation in the Commission's Full Panel Hearing, filing of comments and reply comments on other parties' proposals, and attendance at a workshop where proposals were discussed in detail. Greenlining, LIF, and TURN also filed comments on the proposed decision. Although, according to Greenlining, LIF, and TURN, they were not successful on every argument presented, the decision reflects the significant impacts of Greenlining's, LIF's, and TURN's advocacy.

The Commission has awarded full compensation even where the intervenor's positions were not adopted in full, especially in proceedings with a broad scope. (*See* D.98-04-028, 79 CPUC 2d, 570, 573-574.) Here, Greenlining, LIF, and TURN achieved a high level of success on the issues they raised. In the areas where we did not adopt Greenlining's, LIF's, and TURN's positions in

² D.98-04-059, 79 CPUC 2d, 628 at 653.

whole or in part, we benefited from TURN's, LIF's, and Greenlining's analysis and discussion of all of the issues which they raised.

TURN also claimed that it substantially contributed to Resolution G-3384. This resolution approved PG&E's "10/20 Winter Gas Savings Program" for residential and small commercial gas customers. As in D.05-10-044, the "10/20" program was designed to provide partial relief from anticipated high gas prices for customers who reduced gas consumption by at least 10%. PG&E's program was targeted at a broad group of customers including residential and small commercial customers. Resolution G-3384 adopted the "10/20" program. The same resolution rejected another proposal of PG&E that TURN supported. TURN claims that it worked closely with PG&E in developing these proposals, and collaborated with PG&E in responding to protests and filing comments on the proposed resolution.

Finally, TURN seeks compensation for the substantial contribution it made to the disposition of a Petition to Modify D.05-10-044 filed by SCE on November 28, 2005. In denying the Petition to Modify, the Commission agreed with TURN that the shut-off moratorium was an essential part of the package of measures the Commission adopted in D.05-10-044. (D.06-02-014, p. 4.) TURN's comments on SCE's Petition to Modify materially aided the Commission in its decision and qualify as a substantial contribution.

Advocates alleged that its involvement was extensive and included participation in a full panel hearing, reviewing proposals by parties, filing comments on proposals and the proposed decision, and participating in workshops. Advocates supported general protections for low-income persons that would also protect persons with disabilities, including a no-shut-off policy, a

no-backbilling policy and expanded opportunities for enrollment in CARE during the 2005-2006 winter heating season.

Although, according to Advocates, it was not successful on every argument presented, the decision reflects significant impacts of Advocates' participation. Advocates also states that when its position did not prevail, that position was nonetheless embraced by either the ALJ's proposed decision or an alternate decision supported by one or more Commissioners.

In its supplemental request, Advocates claimed that it substantially contributed toward the implementation of D.05-10-044 and should be compensated for its efforts. In response, SCE expressed concern that Advocates is seeking compensation for time spent on issues related to medical baseline allowances. SCE believes these issues are beyond the scope of the proceeding. SCE is also concerned that Advocates is seeking compensation for work performed after issuance of D.05-10-044, in particular, time that Advocates spent analyzing utility monitoring reports.

Responding to SCE's concerns, Advocates clarified that its work on implementing the Medical Baseline program following issuance of D.05-10-044 did not address issues beyond the scope of the proceeding. Advocates asserted that its work focused on informing consumers of their rights under, and the availability of, the Medical Baseline discount. Advocates notes that its work on the Medical Baseline program started as part of the Commission-directed dialogue between Advocates and the utilities that evolved into dialogue about outreach for the Medical Baseline program and outreach for persons with disabilities. Both of these issues were addressed in the decision. Advocates noted that the Commission has previously provided compensation for ongoing

work based on orders in previous decisions, including compensation for implementation work, such as monitoring.

Advocates recognized that a simple review of utility reports may not constitute a substantial contribution. Advocates described the actions that it took when it realized that the 50% payment option was not being utilized. Advocates requested data from SCE and then raised the issue at a February 17, 2006 workshop that reviewed the effectiveness of policies and program changes adopted in D.05-10-044. After the workshop, SCE modified its business practices, according to Advocates.

Generally, the Commission has not awarded compensation for intervenors' efforts to implement orders unless either the order explicitly recognized the continued need for intervenors to participate and anticipated requests for compensation, or if intervenors made substantial contribution to either subsequent decisions or resolutions related to implementation of a Commission order. However, this case presents unique facts. Only 30 days elapsed from the full panel hearing and issuance of D.05-10-044. As we stated in D.05-10-044, "It is hard to over-emphasize the enthusiasm and creativity all of the participants in this expedited process have brought to this discussion. Although this order addresses all of the major proposals, it does not reflect the full extent of the conversation that has occurred between consumer and community groups and the utilities. We want this constructive conversation to continue and will do what we can to help make it happen." (D.05-10-044, p. 32, emphasis added.) The expedited schedule provided few opportunities for either the Commission or parties to understand and anticipate implementation related issues. The ongoing work of Advocates to ensure successful implementation of

D.05-10-044 resulted in a substantial contribution to the decision and should be compensated.

V. Reasonableness of Requested Compensation

In general, the components of this request must constitute reasonable fees and costs of the customer's preparation for and participation in a proceeding that resulted in a substantial contribution. The issues we consider to determine reasonableness are discussed below for each intervenor.

A. Advocates

Advocates requests \$46,375.08 for its participation in this proceeding, as follows:

Attorney/Expert	Requested Hours	Requested Rate	
Melissa Kasnitz	28.10	\$ 425.00	\$11,942.50
	3.60	\$ 212.50 (Comp)	\$ 765.00
Mary-Lee Kimber	95.30	\$ 170.00	\$16,201.00
	20.30	\$ 85.00 (Comp)	\$ 1,725.50
Law Clerks	39.70	\$ 90.00	\$ 3,573.00
	0.90	\$ 45.00 (Comp)	\$ 40.50
Expenses			\$ 1,201.18
Total			\$35,448.68
<i>Supplemental Request</i>			
Melissa Kasnitz	9.80	\$ 425.00	\$ 4,165.00
	0.40	\$ 212.50 (Comp)	\$ 85.00
Mary-Lee Kimber	30.90	\$ 170.00	\$ 5,253.00
	8.20	\$ 85.00 (Comp)	\$ 697.00
Law Clerks	2.00	\$ 90.00	\$ 180.00
Expenses			\$ 546.40
Total			\$10,926.40
Total Requested Award			\$46,375.08

1. Hours and Costs Related to and Necessary for Substantial Contribution

We first assess whether the hours claimed for the customer's efforts that resulted in substantial contributions to Commission decisions are reasonable by determining to what degree the hours and costs are related to the work performed and necessary for the substantial contribution.

Advocates documented its claimed hours by presenting a daily breakdown of the hours of its attorneys, accompanied by a brief description of each activity. The hourly breakdown reasonably supports the claim for total hours. Since we

found that Advocates' efforts made a substantial overall contribution to the delineated decision, we need not exclude from Advocates' award compensation for certain issues. However, we note that Advocates failed to break down its efforts by issue; had we needed to eliminate certain issues from the award, the lack of a breakdown would have hindered the process.

2. Market Rate Standard

We next take into consideration whether the claimed fees and costs are comparable to the market rates paid to experts and advocates having comparable training and experience and offering similar services.

Advocates seeks an hourly rate of \$425 for work performed by Kasnitz in 2005. We previously approved a rate of \$350 for work performed by Kasnitz in 2005, and we find this rate reasonable for her work in this proceeding.

Advocates seeks an hourly rate of \$170 for work performed by Kimber in 2005. As required by D.06-04-027, Advocates supported Kimber's hourly rate with a description of Kimber's previous experience and educational background. The requested hourly rate is within the range of rates set forth in D.05-11-031 for attorneys with 0-2 years of experience and we adopt that rate here.

Advocates seeks an hourly rate of \$90 for law clerk support. D.06-04-021 authorized a rate of \$90/hour for work performed by Advocates' paralegals and law clerks in 2005, and we adopt that rate here.

For the few hours worked in 2006, we adopt the previously approved 2005 rates without setting a precedent for other 2006 work.

3. Productivity

D.98-04-059 directed customers to demonstrate productivity by assigning a reasonable dollar value to the benefits of their participation to ratepayers. The costs of a customer's participation should bear a reasonable relationship to the

benefits realized through its participation. This showing assists us in determining the overall reasonableness of the request.

Advocates states that its participation benefited ratepayers with disabilities whose interest were not addressed by any other participant. Advocates claims that it raised issues uniquely affecting persons with disabilities. Advocates provided valuable input about the impacts of program and policy changes on persons with disabilities. Much of this input is reflected in D.05-10-044. The value of this input is not readily quantifiable, but the social policies furthered in this proceeding are of great importances. We find that Advocates' efforts have been productive.

4. Direct Expenses

The itemized direct expenses submitted by Advocates include costs for photocopying, travel, telephone and postage, and total \$1,201.18. The cost breakdown included with the request shows the miscellaneous expenses to be commensurate with the work performed. We find these costs reasonable.

5. Award

As set forth in the table below, we award Advocates \$43,382.58.

Attorney/Expert	Hours	Rate	
Melissa Kasnitz	28.10	\$ 350.00	\$ 9,835.00
	3.60	\$ 175.00 (Comp)	\$ 630.00
Mary-Lee Kimber	95.30	\$ 170.00	\$16,201.00
	20.30	\$ 85.00 (Comp)	\$ 1,725.50
Law Clerks	39.70	\$ 90.00	\$ 3,573.00
	0.90	\$ 45.00 (Comp)	\$ 40.50
Expenses			\$ 1,201.18
Total			\$33,206.18
<i>Supplemental Request</i>			
Melissa Kasnitz	9.80	\$ 350.00	\$ 3,430.00
	0.40	\$ 175.00 (Comp)	\$ 70.00
Mary-Lee Kimber	30.90	\$ 170.00	\$ 5,253.00
	8.20	\$ 85.00 (Comp)	\$ 697.00
Law Clerks	2.00	\$ 90.00	\$ 180.00
Expenses			\$ 546.40
Total			\$10,176.40
Total Approved Award			\$43,382.58

B. Greenlining

Greenlining requests \$44,407.50 for its participation in this proceeding, as follows:

Attorney/Expert	Requested Hours	Requested Rate	
Robert Gnaizda	65.50	\$490.00	\$32,095.00
Chris Vaeth	41.25	\$150.00	\$ 6,187.50
Chris Vaeth	22.00	\$ 75.00 (comp)	\$ 1,650.00
Pamela Palpallatoc	4.00	\$125.00	\$ 500.00
Sam Kang	18.00	\$125.00	\$ 2,250.00
Nonya Collier	13.00	\$125.00	\$ 1,625.00
Expenses			\$ 100.00
Total Request			\$44,407.50

1. Hours and Costs Related to and Necessary for Substantial Contribution

Greenlining documented its claimed hours by presenting a daily breakdown of the hours of its attorneys, accompanied by a brief description of each activity. The hourly breakdown reasonably supports the claim for total hours. Since we found that Greenlining's efforts made a substantial overall contribution to the delineated decisions, we need not exclude from Greenlining's award compensation for certain issues. However, we note that Greenlining failed to break down its efforts by issue; had we needed to eliminate certain issues from the award, the lack of a breakdown would have hindered the process.

2. Market Rate Standard

Greenlining seeks an hourly rate of \$490 for work performed by Gnaizda in 2005. We previously approved this rate for work performed by Gnaizda in 2004, and we find this rate reasonable.

Greenlining seeks an hourly rate of \$150 for work performed by Vaeth in 2005. As required by D.06-04-027, Greenlining supported Vaeth's hourly rate with a description of his previous experience and educational background. The requested hourly rate is within the range of rates set forth in D.05-11-031 and we adopt that rate here.

Greenlining seeks an hourly rate of \$125 for paralegals Collier, Kang, and Palpallatoc. D.06-04-021 authorized a rate of \$110/hour for another Greenlining paralegal, Abastillas for work in 2005. We adopt this same \$110/hour rate for the paralegals Collier, Kang, and Palpallatoc.

3. Productivity

Greenlining states that its participation benefited those ratepayers whose voices the Commission would not have otherwise heard. Greenlining claims that it raised issues uniquely affecting the poor, those who have limited English proficient, recent immigrants, urban communities of color, and other underserved communities. We agree with Greenlining that the goal of D.05-10-044 was specifically to protect low-income ratepayers and Greenlining provided valuable input on these issues which outweigh the costs of its participation. Thus, we find that Greenlining's efforts have been productive.

4. Direct Expenses

The itemized direct expenses submitted by Greenlining include costs for photocopying and postage, and total \$100.00. The cost breakdown included with

the request shows the miscellaneous expenses to be commensurate with the work performed. We find these costs reasonable.

5. Award

As set forth in the table below, we award Greenlining \$43,882.50.

Attorney/Expert	Hours	Rate	
Robert Gnaizda	65.50	\$490.00	\$32,095.00
Chris Vaeth	41.25	\$150.00	\$ 6,187.50
Chris Vaeth	22.00	\$ 75.00	\$ 1,650.00
Pamela Palpallatoc	4.00	\$110.00	\$ 440.00
Sam Kang	18.00	\$110.00	\$ 1,980.00
Nonya Collier	13.00	\$110.00	\$ 1,430.00
Expenses			\$ 100.00
Total Award			\$43,882.50

C. LIF

LIF requests \$23,444.62 for its participation in this proceeding to date, as follows:

Attorney/Expert	Requested Hours	Requested Rate	
Susan Brown	37.25	\$450.00	\$16,762.50
	6.00 (comp)	\$225.00	\$ 1,350.00
Enrique Gallardo	16.25	\$300.00	\$ 4,875.00
	3.00 (Comp)	\$150.00	\$ 450.00
Expenses			\$ 7.12
Total Requested Award			\$23,444.62

**1. Hours and Costs Related to and Necessary
for Substantial Contribution**

LIF documented its claimed hours by presenting a daily breakdown of the hours of its attorneys, accompanied by a brief description of each activity. The

hourly breakdown reasonably supports the claim for total hours. Since we found that LIF's efforts made a substantial overall contribution to the delineated decisions, we need not exclude from LIF's award compensation for certain issues. In addition, we note with approval that LIF broke down its efforts by issue; had we needed to eliminate certain issues from the award, this breakdown would have facilitated the process.

2. Market Rate Standard

LIF seeks an hourly rate of \$450 for work performed by Brown in 2005. We previously approved a rate of \$390 for work performed by Brown in 2005, and we find this rate reasonable. LIF seeks an hourly rate of \$300 for work performed by Gallardo in 2005. We previously approved a rate of \$275 for work performed by Gallardo in 2005, and we find this rate reasonable.

3. Productivity

LIF does not quantify the benefits of its contribution to D.05-10-044. According to LIF, its participation contributed to the protection, facilitation, and augmentation of needed benefits to low-income and other vulnerable customers. Most of LIF's recommendations were incorporated in D.05-10-044. LIF's suggestion to use community-based organizations for outreach to non-English speaking customers was particularly helpful. Thus, we find that LIF's efforts have been productive.

4. Direct Expenses

The itemized direct expenses submitted by LIF include costs for photocopying and postage, and total \$7.12. The cost breakdown included with the request shows the miscellaneous expenses to be commensurate with the work performed. We find these costs reasonable.

5. Award

As set forth in the table below, we award LIF \$20,690.87.

Attorney/Expert	Hours	Rate	
Susan Brown	37.25	\$390.00	\$14,527.50
	6.00 (Comp)	\$212.50	\$ 1,275.00
Enrique Gallardo	16.25	\$275.00	\$ 4,468.75
	3.00 (Comp)	\$137.50	\$ 412.50
Expenses			\$ 7.12
Total Approved Award			\$20,690.87

D. TURN

TURN requests \$27,005.24 for its participation in this proceeding to date, as follows:

Attorney/Expert	Requested Hours	Requested Hourly Rate	
Hayley Goodson	97.75	\$190.00 (2005)	\$18,572.50
Hayley Goodson	3.00	\$ 95.00 (comp)	\$ 285.00
Hayley Goodson	0.25	\$190.00 (2006)	\$ 47.50
Hayley Goodson	7.25	\$ 95.00 (comp)	\$ 688.75
Robert Finkelstien	14.50	\$395.00 (2005)	\$ 5,727.50
Robert Finkelstien	0.75	\$197.50 (comp)	\$ 148.13
Michel Florio	3.00	\$470.00 (2005)	\$ 1,410.00
Expenses			\$ 125.85
Total			\$27,005.24

1. Hours and Costs Related to and Necessary for Substantial Contribution

TURN documented its claimed hours by presenting a daily breakdown of the hours of its attorneys, accompanied by a brief description of each activity. The hourly breakdown reasonably supports the claim for total hours. Since we found that TURN's efforts made a substantial overall contribution to the delineated decisions, we need not exclude from TURN's award compensation for certain issues. Also, we note with approval that TURN broke down its efforts by issue; had we needed to eliminate certain issues from the award, this breakdown would have facilitated the process.

2. Market Rate Standard

TURN seeks an hourly rate of \$190 for work performed by Goodson in 2005 and 2006. We previously approved a rate of \$190 for work performed by Goodson in 2005, and we find this rate reasonable. TURN seeks an hourly rate of \$395 for work performed by Finkelstein in 2005 and 2006. We previously approved a rate of \$395 for work performed by Finkelstein in 2005, and we find this rate reasonable. TURN seeks an hourly rate of \$470 for work performed by Florio in 2005. We previously approved a rate of \$470 for work performed by Florio in 2005, and we find this rate reasonable.

For the few hours worked in 2006, we adopt the previously approved 2005 rates without setting a precedent for other 2006 work.

3. Productivity

TURN states that while it is possible to quantify the benefits of its contribution to Resolution G-3384, it is not possible to identify precise monetary benefits to ratepayers from D.05-10-044 and the disposition of SCE's Petition to

Modify. In Resolution G-3384, the Commission noted PG&E's estimate that the average residential would save approximately \$90 under the program. Overall, PG&E estimated that consumers participating in the program would receive \$158 million in rebates. TURN could not identify precise monetary benefits to ratepayers from its participation in D.05-10-044. TURN notes its efforts did influence the Commission to adopt policies that will increase the likelihood that low-income customers will continue to receive gas and electricity service during the winter of 2005-2006. TURN's contributions to Resolution G-3384 and D.05-10-044 outweigh the costs of its participation. Thus, we find that TURN's efforts have been productive.

4. Direct Expenses

The itemized direct expenses submitted by TURN include costs for photocopying and postage, and total \$125.86. The cost breakdown included with the request shows the miscellaneous expenses to be commensurate with the work performed. We find these costs reasonable.

5. Award

As set forth in the table below, we award TURN \$27,005.24.

Attorney/Expert	Hours	Rate	
Hayley Goodson	97.75	\$190.00 (2005)	\$18,572.50
Hayley Goodson	3.00	\$ 95.00 (comp)	\$ 285.00
Hayley Goodson	0.25	\$190.00 (2006)	\$ 47.50
Hayley Goodson	7.25	\$ 95.00 (comp)	\$ 688.75
Robert Finkelstien	14.50	\$395.00 (2005)	\$ 5,727.50
Robert Finkelstien	0.75	\$197.50 (comp)	\$ 148.13
Michel Florio	3.00	\$470.00 (2005)	\$ 1,410.00

Expenses	\$ 125.85
Total	\$27,005.24

VI. Payment of Awards

Consistent with previous Commission decisions, we order that interest be paid on the award amount (at the rate earned on prime, three-month commercial paper, as reported in Federal Reserve Statistical Release H.15) commencing on the 75th day after each intervenor filed its compensation request, and continuing until full payment of the award is made. The dates for interest to commence on are:

Advocates	March 20, 2006
Greenlining	March 21, 2006
LIF	March 19, 2006
TURN	March 21, 2006

We direct PG&E, SDG&E, SoCalGas, and SCE to allocate payment responsibility among themselves based upon their California-jurisdictional gas and electric revenues for the 2005 calendar year, to reflect the year in which the proceeding was primarily litigated.

We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. TURN's records should identify specific issues for which it requested compensation, the actual time spent by each employee or consultant, the applicable hourly rate, fees paid to consultants, and any other costs for which compensation was claimed.

VII. Waiver of Comment Period

This is an intervenor compensation matter. Accordingly, as provided by Rule 14.6(c)(6) of the Commission's Rules of Practice and Procedure (Rules), we waive the otherwise applicable 30-day public review and comment period for this decision.

VIII. Assignment of Proceeding

Dian M. Grueneich is the Assigned Commissioner and Steven A. Weissman is the assigned ALJ in this proceeding.

Findings of Fact

1. Advocates, Greenlining, LIF, and TURN have satisfied all the procedural requirements necessary to claim compensation in this proceeding.

2. Advocates made a substantial contribution to D.05-10-044 and to related implementation issues.

3. Greenlining and LIF each made a substantial contribution to D.05-10-044.

4. TURN made a substantial contribution to D.05-10-044 and Resolution G-3384.

5. Advocates', Greenlining's, LIF's, and TURN's requested hourly rates for their attorneys and experts, as adjusted herein, are reasonable when compared to the market rates for persons with similar training and experience.

6. Advocates', Greenlining's, LIF's, and TURN's requested related expenses are reasonable and commensurate with the work performed.

7. The total amount of reasonable compensation to each intervenor is:

- Advocates -- \$43,382.58
- Greenlining -- \$43,882.50
- LIF -- \$20,690.87
- TURN -- \$27,005.24.

8. The appendix to this opinion summarizes today's award.

Conclusions of Law

1. Advocates has fulfilled the requirements of Pub. Util. Code §§ 1801-1812, which govern awards of intervenor compensation, and is entitled to intervenor compensation for its claimed compensation, as adjusted herein, incurred in making substantial contributions to D.05-10-044 and its implementation.

2. Greenlining and LIF have fulfilled the requirements of Pub. Util. Code §§ 1801-1812, which govern awards of intervenor compensation, and are entitled to intervenor compensation for their claimed compensation, as adjusted herein, incurred in making substantial contributions to D.05-10-044.

3. TURN has fulfilled the requirements of Pub. Util. Code §§ 1801-1812, which govern awards of intervenor compensation, and is entitled to intervenor compensation for its claimed compensation incurred in making substantial contributions to D.05-10-044 and Resolution G-3384.

4. Advocates should be awarded \$43,382.58 for its contribution to D.05-10-044 and its implementation.

5. Greenlining should be awarded \$43,882.50 for its contribution to D.05-10-044.

6. LIF should be awarded \$20,690.87 for its contribution to D.05-10-044.

7. TURN should be awarded \$27,005.24 for its contribution to D.05-10-044 and Resolution G-3384.

8. Per Rule 14.6(c)(6), the comment period for this compensation decision may be waived.

9. This order should be effective today so that Advocates, Greenlining, LIF, and TURN may be compensated without further delay.

O R D E R

IT IS ORDERED that:

1. Disability Rights Advocates (Advocates) is awarded \$43,382.58 as compensation for its substantial contributions to Decision (D.) 05-10-044 and its implementation.
2. Greenlining Institute (Greenlining) is awarded \$43,882.50 as compensation for its substantial contributions to D.05-10-044.
3. Latino Issues Forum (LIF) is awarded \$20,690.87 as compensation for its substantial contributions to D.05-10-044.
4. The Utility Reform Network (TURN) is awarded \$27,005.24 as compensation for its substantial contributions to D.05-10-044 and Resolution G-3384.
5. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and Southern California Gas Company shall pay Advocates, Greenlining, LIF, and TURN their respective shares of the award. Each utility's share shall be calculated based upon their California-jurisdictional gas and electric revenues for the 2005 calendar year. Payment of the award shall include interest at the rate earned on prime, three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning the 75th day after the filing date of each intervenor's request for compensation, and continuing until full payment is made.
6. The comment period for today's decision is waived.
7. Rulemaking 04-01-006 is closed.

This order is effective today.

Dated October 5, 2006, at San Francisco, California.

MICHAEL R. PEEVEY
President
GEOFFREY F. BROWN
DIAN M. GRUENEICH
JOHN A. BOHN
RACHELLE B. CHONG
Commissioners

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:	D0610013	Modifies Decision? N
Contribution Decision(s):	D0510044 and Resolution G3384	
Proceeding(s):	R0401006	
Author:	ALJ Weissman	
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and Southern California Gas Company	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Disability Rights Advocates	1/5/2006	\$35,448.68	\$33,206.18	N	Excess hourly rate
Disability Rights Advocates	3/21/2006	\$10,926.40	\$10,176.40	N	Excess hourly rate
Greenlining Institute	1/6/2006	\$44,407.50	\$43,882.50	N	Excess hourly rate
Latino Issues Forum	1/4/2006	\$23,444.62	\$20,690.87	N	Excess hourly rate
The Utility Reform Network	1/6/2006	\$27,005.24	\$27,005.24	N	

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Melissa	Kasnitz	Attorney	Disability Rights Advocates	\$425	2005	\$350
Melissa	Kasnitz	Attorney	Disability Rights	\$425	2006	\$350

			Advocates			
Mary-Lee	Kimber	Attorney	Disability Rights Advocates	\$170	2005	\$170
Mary-Lee	Kimber	Attorney	Disability Rights Advocates	\$170	2006	\$170
Law Clerks		Law Clerks	Disability Rights Advocates	\$90	2005	\$90
Law Clerks		Law Clerks	Disability Rights Advocates	\$90	2006	\$90
Robert	Gnaizda	Attorney	Greenlining Institute	\$490	2005	\$490
Chris	Vaeth	Paralegal	Greenlining Institute	\$170	2005	\$170
Pamela	Palpallatoc	Paralegal	Greenlining Institute	\$125	2005	\$110
Sam	Kang	Paralegal	Greenlining Institute	\$125	2005	\$110
Nonya	Collier	Paralegal	Greenlining Institute	\$125	2005	\$110
Susan	Brown	Attorney	Latino Issues Forum	\$450	2005	\$390
Enrique	Gallardo	Attorney	Latino Issues Forum	\$300	2005	\$275
Hayley	Goodson	Attorney	The Utility Reform Network	\$190	2005	\$190
Hayley	Goodson	Attorney	The Utility Reform Network	\$190	2006	\$190
Robert	Finkelstein	Attorney	The Utility Reform Network	\$395	2005	\$395
Robert	Finkelstein	Attorney	The Utility Reform Network	\$395	2006	\$395
Michael	Florio	Attorney	The Utility Reform Network	\$470	2005	\$470

(END OF APPENDIX)